

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LAWRENCE LEE, #1641724,

Plaintiff,

v.

LORIE DAVIS, et al.,

Defendants.

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Case No. 6:21-cv-147-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff, a Texas Department of Criminal Justice prisoner proceeding pro se and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On May 18, 2021, the Magistrate Judge identified several deficiencies in Plaintiff's complaint, including insufficient factual allegations to support his claims about the Defendants' responsibility for his H. pylori infection, and ordered him to file an amended complaint to cure those deficiencies. Docket No. 7. On August 9, 2021, the Magistrate Judge issued a Report and Recommendation finding that Plaintiff's amended complaint still failed to state a claim for which relief could be granted and recommending that this case be dismissed pursuant to 28 U.S.C. § 1915A(b). Docket No. 13. Plaintiff filed timely written objections. Docket No. 15.


The Court reviews the findings and conclusions of a Magistrate Judge de novo if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent

assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his objection, Plaintiff asserts that his lawsuit should not be dismissed without allowing him to discover unspecified “medical files,” which he says “may have emphatically demonstrated a viable claim for relief.” Docket No. 15 at 1. But, as the Magistrate Judge correctly found, Plaintiff’s subjective, speculative conclusions are not sufficient to allow his case to proceed to further litigation.

Having reviewed Plaintiff’s objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. Accordingly, the Court hereby **OVERRULES** Plaintiff’s objections (Docket No. 15) and **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 13) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** with prejudice for failure to state a claim upon which relief can be granted. 28 U.S.C. § 1915A. All pending motions are **DENIED** as moot.

So **ORDERED** and **SIGNED** this **14th** day of **September, 2021**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE